Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

RADIO TV REPORTS, INC.

4435 WISCONSIN AVENUE, N.W., WASHINGTON, D.C. 20016, 244-3540

19

PUBLIC AFFAIRS STAFF

QUESTIONS AND ANSWERS BY CENTRAL INTELLIGENCE

~~Testimony by:~~ Director William Colby

APPROXIMATE TIME: 3:30 to 5:00 P.M.

Special Report: Center for National Security Studies Seminar on U.S. Intelligence Agencies

WETA FM Radio, NPR Network

September 13, 1974

OFFICES IN: WASHINGTON, D.C. • NEW YORK • DETROIT • LOS ANGELES • SAN FRANCISCO • NEW ENGLAND • CHICAGO

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

SENATOR JAMES ABOUREZK: Thank you, Mr. Colby. Before I call on Mr. Borosage, I have a question I would like to ask you. Your statement is that covert action reflects national policy. Now since all covert action is done in secret, and when it is revealed it is denied by the CIA, and since it's neither disclosed nor acknowledged to the public, how can it reflect national policy?

DIRECTOR WILLIAM COLBY: Because, Mr. Chairman, it is given to us by the established elected authorities of the United States Government -- the President and the National Security Council -- and is reported to the Congress. It is...

SENATOR ABOUREZK: I might say it's not reported to me.

DIRECTOR COLBY: That may be true, Mr. Chairman, and as I have indicated, I believe that these matters should be reported to the Congress in the manner that the Congress establishes, and that is up to the Congress to determine how it shall be done.

You are correct that these covert actions, by definition, are secret, but they are not denied. Some years ago there was a phrase called "plausible denial" used. I have prescribed that phrase because I do not believe that we can tell the American people an untruth. I think that we can tell the American people a true statement and keep other matters which have to be secret secret, but I do not believe we can tell them an untruth.

SENATOR ABOUREZK: I'd like to call on Mr. Bob Borosage.

BOB BOROSAGE: I don't have much to say. In your speech you say that it's a strange anomaly that the United States has so much information that it makes public, whereas our potential adversaries do not. It seems to me that the title of that strange anomaly, or the reason for it, is called democracy. The strange anomaly is that this is supposed to be a society in which the legislature and the people decide what are the policies that we undertake. And I think that

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

that example of what is national policy exemplifies my point.

National policy on matters of warmaking or acts of war, by the Constitution, is supposed to be done at least in conjunction with the legislature. It's not defined simply by the executive. And the easy assumption that national policy is an executive matter is exactly what has taken us into all of the wars we've fought and all of the agony we've had over the last decade.

And I guess if I can add a personal note, which may be somewhat out of order, it's very difficult for me to be here, partly because -- I'm very pleased that you have agreed to come. I think it's a wonderful thing that you have decided to face your critics. On the other hand, I grew up in your world, a world of CIA interventions and of America trying to maintain a world order, and I was of the generation that was directed to fight in the war in Indochina. I had friends who fought there. I had friends who resisted. I had friends who were drafted. And all of my friends and myself went through that agony.

ILLEGIB

For many of us, a lot of these questions got out of the realm of being policy or something that you'd argue about, and were seen as criminal activities. For many of us, it wasn't any longer a question of what the United States was doing, but it was a question of crimes that were being committed in our name that we had no way of controlling, no way of staying.

Now there were five years of struggle in this country because of that, of demonstrations, of agony. And one of the great problems for people of my generation is that there were very good people who ran those policies. Robert McNamara was a member of the ACLU. And many of us saw ourselves -- saw ourselves in their positions and wanted to be in their positions, and were agonized at the notion that good people could be doing these things in our name.

And I guess the question that I would like to ask you is to get some notion of the fears you have, or the fears that you did have in your youth, because for me and for at least many of my friends, we have a totally different world view, we have a totally different set of fears and of aspirations, which at least include some minimal principles of behavior that we would like our country to follow abroad.

DIRECTOR COLBY: I think, Mr. Borosage, the answer to that is that, like every other government employee, I took an oath to support and defend the Constitution of the United States. My concept of the Constitution of the United States is one expressed through the duly established legislative,

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

judicial and executive bodies represented by it. The various policies of the United States -- national policy is not an executive matter. It is one which depends upon an annual appropriation; it depends upon the judicial review of the constitutionality of both the legislation and of the executive actions.

STAT

At one occasion you point out the anomaly. I had the occasion to follow the suggestion of one of the individuals who spoke at this panel, of attempting to negotiate an end to that anomaly. I had the occasion last summer of being in the reception line when Mr Brezhnev was over here. And President Nixon presented me to Mr. Brezhnev as the new head of the CIA. Mr. Brezhnev recoiled in some mock horror and asked if I was a dangerous man. And the President reassured him that I agreed with the treaty on the limitation of nuclear war that had just been signed, and I commented to Mr. Breazhnev, in my first effort toward summit diplomacy, that the more we know of each other, the safer we both will be.

I believe that. That's why I believe in working in the intelligence profession, to hopefully increase the knowledge of our leadership about the problems in the world. It is clear that, thanks to some of the intelligence work of the past 10 or 15 years, we now have a SALT agreement which depends upon the fact that we can monitor whether the Soviets are complying with it or not, a situation we were unable to do when our intelligence was so weak that we had to ask for on-the-ground inspections.

I think that the fears I had in my youth are very similar to the ones you had, Mr. Borosage. We probably faced the problem of a national threat and war at about the same age, and I faced it again in the Vietnam situation, and I spent three and a half years there working on that problem in the best way that I could for my country.

[Unintelligible shout from audience]

DIRECTOR COLBY: I'd like to take -- I'd like to answer that question. I didn't kill any.

[Laughter and shouts]

DIRECTOR COLBY: I'll tell you the answer to that question. The Phoenix Program was one part of the total pacification program of the government of Vietnam. There were several other parts -- the development of local security forces in the neighborhood to protect the villages, the distribution of a half a million weapons to the people of South Vietnam to use in unpaid self-defense groups, a venture that I doubt that many other governments would try or would meet with the success that the Vietnamese did. It also included a

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

program of developing local village and provincial elections and giving authority to the elected officials thereof. It gave decisions about economic development programs in the localities to the local officials.

There were a variety of programs of this nature, including the inducement, reception, and resettlement of over 200,000 Vietnamese who had served with the Viet Cong and decided to come over to the government side, and were received and not punished for whatever they had done. It involved the reception and resettlement and eventual return to village, as security improved, of hundreds of thousands of refugees. And it included the Phoenix Program, which was designed to identify the leaders of the Communist apparatus that was bringing terror and invasion to the population of South Vietnam.

The Phoenix Program was designed and started in about 1968 in order to bring some degree of order and regularity to a very unpleasant, nasty war that had preceded it. It did a variety of things to improve the procedures by which that was run. It provided procedures by which the identification of the leaders, rather than the followers, became the objective of the operation, by which the objective was to capture, rather than to kill, the members of the apparatus, by which there were limits placed on the length of time of detentions and the procedures for interrogation.

MAN IN AUDIENCE: How many were killed while you were [unintelligible]?

DIRECTOR COLBY: I have testified on that, and I said that over two and a half years of the Phoenix Program, there were -- there were 28 -- 29,000 captured. There were 17,000 defected, and there were 20,500 killed, of which 87% of those killed were killed by regular and paramilitary forces and 12% by police and similar elements. The vast majority of those killed were killed in military combat -- fire fights or ambushes -- and most of the remainder were killed in police actions attempting to capbure them.

The major stress of the Phoenix Program was to encourage the capture, for very sensible, easy reasons.

First, our respect, not the Communist's, our respect for human life, where it can be gained. And secondly, because a live captive has information, and a dead body has none.

[Inaudible remarks from audience]

RADIO ANNOUNCER: This is a gentleman in the audience who has identified himself as a former colleague of William Colby and wanted to ask some question.

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

SENATOR ABOUREZK: ...it makes it tougher to shut you off, then, if you say that. I wonder -- what I would like to do is allow the panelists their chance to question, and following that...

RADIO ANNOUNCER: Senator Abourezk is trying to keep the questioning to the panel itself.

MAN: Senator, I've worked in clandestine services.

SENATOR ABOUREZK: I know that. If you'd permit me to do that, I'd be very grateful.

Yes, sir.

HARRY RANSON: ...I'd like to ask Mr. Colby to comment further on this question of the statutory authority of the Central Intelligence Agency...

RADIO ANNOUNCER: This is Harry Ranson, a professor from Vanderbilt University, an expert on the CIA.

RANSON: I've read that statute over and over and over, and it does say what you said it says with regard to other duties and functions related to intelligence affecting the national security. But it seems to me you find a lot more flexibility in that, and particularly the word intelligence, than I as a user of the English language would find in it.

Would you comment further on whether you think that is really an ideal statement of statutory authority that does not leave any ambiguity?

DIRECTOR COLBY: I think that the history over the years has given that deliberately general phrase a great deal of content, a great deal of content that has been ratified by the Congress and ratified by the Executive, and has come to, shall we say, not a little public attention, and without any change being made in it.

SENATOR ABOUREZK: Congressman Harrington first. The woman here, the second from the end -- I don't know your name -- and then Mort Halperin and then Mark Raskin, Dan Ellsberg.

REP. MICHAEL HARRINGTON: Mr. Colby, if I could, let's turn to...

RADIO ANNOUNCER: This is Representative Michael Harrington of Massachusetts.

REP. HARRINGTON: My problem, basically, is in a couple of broad areas. And let me say at the outset that I'll stand by the memory that I have of two readings of your

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

testimony, and obviously not finding it as accessible as you do day-to-day, it's very hard to have more than a memory, but the term "political destabilization" was indeed used in what I think, to go to the credit given you, was a very candid discourse as far as the CIA operation in Chile.

Let me also say, and I say this only because I don't want to be deterred from what I think the central concern that I've had with this all along is, that your historic intelligence gathering and evaluation role is one that I not only endorse, but, in a sense, accept as a legitimate facet of Agency operations, and one I might, from, I suppose, a perspective of watching this unravel, suggest that maybe is the only place you people should be going, unless you want to witness the continued disintegration of your credibility overall because of what's gone on.

But since you've already indicated in your addendum to your prepared remarks your intention not to address specifics raised in your testimony to Lucien Nedzi on April the 22nd, let me at least get into the question of what I think is the fiction of congressional oversight.

Was Lucien Nedzi or were the informal members of the Armed Services Committee structure that oversaw, at least theoretically, the CIA role, with specific reference to Chile, informed with that degree of specificity before April the 22nd of this year?

DIRECTOR ~~HELMS~~ Colby: I believe Mr. Nedzi is a rather recent appointee to that chairmanship, but over the years since 1964, a variety of congressional committees and individual congressmen and senators have been -- were made aware at appropriate times in the period of our covert action activities. This was done according to the procedures set up at that period, at each period, and, as you know, we have a round-up recap every now and again, and the April 22nd one was one for the House Committee. There had been previous total round-up recaps for other committees of the Congress well prior to that time and, in fact, right after the coup in September 1973.

REP. HARRINGTON: Well, if it was as substantive as my effort to obtain information from you on the Inter-American Affairs Subcommittee, before which you testified, I still question whether or not there was the kind of language you've chosen to use indicating frank and substantive information being given to the committee.

But let me make the point that Lucien Nedzi, I believe in late 1972, was first given the designation as chairman of an apparently prior loosely structured apparatus at the Armed Services Committee on the House side, and it

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

was apparent to me in the 48 pages of your testimony that the information being given him that day was unquestionably being given to him for the first time, by the very nature of the responses and by the very absence of anything really short of what I would paraphrase as being a Colby monologue to a certainly interested and, to a degree and on occasion, incredulous and rather small audience. In fact the audience, as far as that particular testimony, consisted, frankly, of Mr. Nedzi, as a member of the Congress, yourself, Mr. Phillips and Mr. Slattinger (?), and I would say that that really even falls rather short of what would pass for the dimension of Armed Services Subcommittee oversight.

You've indicated in general, too, that your efforts, at least as they were reflected in Chile and, I can infer from that, generally were to keep the State Department informed at all times of activites that were conducted in the carrying out of what you characterized again today as a directive given you by the Executive Branch in the course of their constitutional mandate.

Was this particular situation that you have described in detail, either going back to the 1960s or with more relevance to the 1970 Allende period through the latter part of last summer, followed as a matter of practice in keeping informed various embassy department personnel in Chile during that period of time? I make specific reference to former Ambassador Davis, to former assistant or deputy Ambassador Schlotterman (?), and to a variety of other people who might be loosely in the category of those who would be, as a part of their State Department discipline, responsible for Latin American affairs in general -- Jack Kubich (?), Ambassador-designate to Greece; Charles Meyer, who I think was his predecessor in that role; and Mr. Corey, who was a former Ambassador to that country. Did they fit within the purview of what you've indicated was an effort to keep State Department personnel informed of these operations that you were mandated to carry out by the National Security Council?

DIRECTOR COLBY: If I may answer these several questions, Mr. Harrington.

REP. HARRINGTON: [Inaudible]

DIRECTOR COLBY: Oh, I'd be glad to. But on the question of reporting to the committees and particularly your reference to my reporting to the Latin American Subcommittee of the Foreign Affairs Committee, as I outlined in some detail at that time where we discussed it at some length, our reports to Congress run on three levels. The one is an open session, of which this one is a comparable example, where we can,

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

without divulging our operational methods and secrets.

We also report broadly in executive session on the substance of what is going on in the world, and that particular hearing that day was arranged for that purpose, to try to report generally on what was happening. And as I said at that time, I was not prepared to discuss our operational activities in Chile at that particular hearing. I was prepared, and so indicated in our conversation, that I was prepared to discuss any operational detail with the constituted subcommittees of the Armed Services Committee or the Appropriation Committee, and I did so.

I think that -- as I recall it, Mr. Harrington, I think there were a couple of other members present on the April 22nd event. I've forgotten precisely who they were and how long they spent there.

But with respect to the question about clearance with State, the Department of State, through the Deputy Secretary of State, is a member of the 40 Committee who considers and approves the various covert action directions that we get or approvals that we get. The State Department, as do the rest of us, handle this on a very strictly compartmented basis, offering the need-to-know principle as the reason for limiting very sharply who should and who should not know. Obviously, each department determines that for itself. There are occasions in which these matters are held extremely tightly and made available only perhaps to the principal concerned. There are other occasions in which a broader group of people, including the ambassador, including others in the State Department, are made available.

I really am not prepared to say -- I just can't say right now which item was made available to which State Department officer at this particular point.

REP. HARRINGTON: Let me, if I can, just try to get a little bit further into that question. Perhaps the more interesting part of your discussion with Mr. Nedzi and those other members whose names you don't remember this afternoon who made up the Subcommittee on Intelligence Oversight...

DIRECTOR COLBY: I remember the names, but I'm not sure they were there.

REP. HARRINGTON: ...ran to the method that you used to operate in the furtherance of this kind of an activity, where I believe, if I could roughly paraphrase without being held to exactness in language, you indicated that it was usually or customarily the case to inform and to include State Department personnel -- and I assume from that, at the reasonably ranking level -- in the country in which the

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

operation was to be carried out, first because it made relationships easier, second, to a degree it avoided problems of attempting to, of necessity, go around them, and third because I can infer that the method of operation, as far as getting approvals, usually ran, apparently, some sort of joint chain of command, though I would suspect that the CIA could take, at least as you described it, a great deal by way of credit in the initiation area, rather than necessarily just being at the execution or the furtherance level.

I say that because I want to read, just for the sake of -- not expecting that I'm going to get any more directness than I've had -- statements made on three occasions by three separate individuals, all of whom were directly concerned with Chilean policy on the part of this country's government before congressional committees over the course of the last year.

The first was before our subcommittee, the Inter-American Affairs Subcomittee, on June 12th of this year by Deputy Ambassador, or Deputy Chief of Mission Schlotterman:

Despite pressures to the contrary -- and I'm quoting now -- the United States Government adhered to a policy of non-intervention in Chile's internal affairs during the Allende period. That policy remains in force today.

Let me read, secondly, from testimony given to the Church Subcommittee last spring, again given by former Ambassador Corey. Quoting:

I said it was obvious from the historical record that we did not act in any manner that reflected a hard line -- this is with reference to Chile -- that the United States gave no support to any electoral candidate, that the United States had maintained the most total hands-off-the-military policy from 1969 to 1971 conceivable -- and so on.

And let me read one more significant paragraph, in view of your testimony:

The United States did not seek to pressure, subvert, influence a single member of the Chilean Congress at any time in the entire four years of my stay. All of my instructions came from State. No hard line toward Chile was carried out at any time.

I could read the last of Ambassador -- former Inter-American Ambassador Meyers, but it runs along the same lines:

The policy of the government, Mr. Chairman, was that there would be no intervention in the political affairs

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

of Chile. We were consistent in that. We financed no candidates, no political parties, before or after September the 8th -- or September the 4th, rather.

I think it's obvious that there's some apparent discrepancy between what they are stating as officials of the United States Government and what you've testified to in the session before the, as you call it, relevant House subcomittee. And I would also, as a backdrop to this, quote, if needed, the comments from Senator Symington, that were attributed to him in this morning's Washington Post, indicating that as a member of the Senate structure for oversight, statements made by yourself came as a surprise to him as to the degree of involvement in this country. I say it because I think it does tend to make the point, both of the fiction of oversight and of the at least casual use of the truth on the part of a variety of State Department officials that have appeared before Congressional committees over the course of the last year.

DIRECTOR COLBY: Mr. Harrington, I'm prepared to go into the CIA operations there in detail, before the proper committees. I am prepared to go into the CIA operations in detail before any other members who are brought into the matter by the proper committee. I am prepared to change our procedure if the Congress decides to set up the structure in another way.

Until one of those happens, I respectfully must not get into a further discussion of the details of our activities there.

SENATOR ABOUREZK: I wonder if I might raise a point before we go on to a...

RADIO ANNOUNCER: Senator James Abourezk of South Dakota.

SENATOR ABOUREZK: It seems that CIA covert activities are never discussed in advance to anyone that I know of. Now if it's discussed with Lucien Nedzi or Stuart Symington, I'm not aware of it. I think this most recent Chilean thing indicates that is the case.

If you say, Mr. Colby, that you're prepared to discuss the Chilean operation before any appropriate committee, that's over with. We're always talking about what the CIA has done two or three or four or five years in the past. Do you think it might not be a good idea to discuss it, what you're doing now at this time before the -- even before the appropriate committees? And I personally would like to see you go further than that.

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

If you are prepared to call what you do in covert activities national policy, then shouldn't the nation be brought in, if not on speciic matters, at least on the general principle of whether the nation approves of assassination, of...

[Applause]

SENATOR ABOUREZK: Does the nation approve of CIA-sponsored government coups, of many things of which I personally...

[Applause]

SENATOR ABOUREZK: Please, hold it -- of many things that I and, I know, a lot of Americans personally disapprove of? If you don't want to talk about the specific activity -- the CIA will not even talk about the general principle of these things. I mean wouldn't that be an appropriate matter for public debate, to establish whether or not, then, a specific Chilean operatior or a Cuban operation might be, then, national policy?

DIRECTOR COLBY: I beg your pardon, Mr. Chairman, I think that my presence here demonstrates that I'm prepared to talk about covert actions, and I have talked about a bunch of them.

SENATOR ABOUREZK: Well, if I can impose on the time of the panel and follow this up...

DIRECTOR COLBY: Well, as for discussing future events, many of them cannot be predicted in the future, but a number of our covert activities have gone on over a number of years, and during that number of years there have been periodic appropriations, some of which is used for some of these operations. And when they get significant enough, they must be covered in the appropriations process.

I did state to Mr. Nedzi in an open hearing a few weeks ago that there are no secrets from that particular subcommittee or the corresponding subcommittee of the Appropriations Committee -- none. And that beyond a responsibility to respond to his questions, I have a positive responsibility to bring to his attention things that he might be interested in. And I have undertaken to bring to the various committees our current activities so that they will be informed of what we are doing.

SENATOR ABOUREZK: Did the Chairman -- let me ask you this: Did the Chairman of the Oversight Committee know in advance of your Chilean operation?

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

DIRECTOR COLBY: Various of our individual actions in Chile over the years were reported, at that time and, in some cases, before the funds were expended, to the appropriate chairmen of the committees involved.

SENATOR ABOUREZK: Now are you responding specifically to the recent disclosure over the weekend?

DIRECTOR COLBY: No, I'm not responding specifically because I don't want to talk about the individual operations, but I am giving you a general principle. I cannot say that every dollar that CIA spent in Chile was individually approved by a chairman, but I can say that the major ones, the major efforts were known to the senior officials of the Congress, as established.

SENATOR ABOUREZK: I would like to refer to the weekend disclosures of the Chilean action, the Chilean operation by the CIA. Was that specific action -- was the knowledge of that action provided in advance to the supervising committees of the Congress?

DIRECTOR COLBY: The action disclosed by Mr. Harrington's letter over the weekend covered the period from 1964 to 1973. I believe that I have answered that question in my earlier answer.

SENATOR ABOUREZK: I wonder if you'd repeat it and encapsulize it so that...

DIRECTOR COLBY: That at various times during that period, the major steps were brought to the attention of the chairmen or appropriate members of various of these committees. Now I cannot say that every individual instance was brought to them, but there were a series of discussions between CIA and senior members of Congress which brought them up to date with the fact that this occurred and was occurring.

SENATOR ABOUREZK: I just -- I want to have one more specific question. In the newspaper story by Laurence Stern in the Washington Post, it states that 500 -- $350,000 was authorized to bribe the Chilean Congress, which at that time was faced with deciding a runoff election between Allende and the opposition candidate.

Just for example, did the committees - were they aware of that?

DIRECTOR COLBY: Mr. Chairman, with great respect, that falls within the categories of the details that I'm not going to talk about.

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

[Laughter]

SENATOR ABOUREZK: Is there anything in this story that you'd be able to either admit or deny?

DIRECTOR COLBY: Well, I can't remember every detail of the story right at the moment, but I think I've made my position clear, that I do not want to talk about the details of our operations in Chile outside of the duly constituted committees of the Congress.

SENATOR ABOUREZK: Mr. Fred Branfman.

FRED BRANFMAN: Mr. Colby, putting aside various arguments over what actually happened in Operation Phoenix, and given your understanding of what did happen under it, if you were ordered by the President of the United States and the National Security Counsel to engage in such actions against either Americans or other people in other Third World countries, I'd like to know if you would have any moral objections to it. I understand you might have some legal or you don't think it's within your charter, but from a moral point of view, what -- would you have any moral objections to it?

I'm particularly intrigued by a statement you made when you testified before Congress in '71 about the entree (?) sentencing procedure, whereby Vietnamese are sentenced for two years without a lawyer, and you said you wouldn't want to see these legal standards applied to Americans, although they were being applied to Vietnamese.

What moral distinctions -- from a moral point of view, now. I can understand that could mean different things -- but are there any moral implications to that? From a moral point of view, do you see -- what are the distinctions between what we do with Americans and Vietnamese and other countries?

Secondly, I'd like to know whether, since Senator Symington told you at your confirmation hearing that, quote, "We are getting pretty sick -- we are getting pretty sick of being lied to." -- He's on the Oversight Committee -- do you...

[Off-mike comments]

BRANFMAN: If we don't want to take your word that there are -- for example, the CIA is not now involved in paramilitary activities in Cambodia, if we don't want to rely simply on your testimony -- nothing personal here, but there is a lot of feeling that over 20 years CIA Directors have lied to Congress, even by people like Symington -- do we have any means to discover this? Do we have any way of finding out what you people are up to, other than having to take your word for it?

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

And thirdly, I just want to know if you -- what your understanding is of the fact that so many Americans are sick and tired of what they understand the Vietnamese -- the CIA is up to? Whether it is your understanding, as mine, that millions of Americans are opposed to our -- any kind of assassination programs, any kind of police programs, any kind of attempts to overthrow foreign countries or influence the political processes in foreign countries? And that if and when the CIA does this, is it your understanding, as it is mine, that this is repugnant to most Americans and, in fact, is being carried out against the will of most Americans?

DIRECTOR COLBY: Mr. Branfman, I have a considerable degree of modesty as to whether anyone has a morality -- has a monopoly of morality.

[Unintelligible comments from audience]

DIRECTOR COLBY: With respect to the...

SENATOR ABOUREZK: Just a minute. I want to -- I'd like to ask the audience -- please, it does slow down the proceedings here with -- it's all right to be happy and everything, but please don't interrupt the questioning and the answer. We'd be very grateful. It would help a great deal.

Please proceed.

DIRECTOR COLBY: With respect to the question about the due process under Vietnamese law and the advice of counsel. I do stand by the fact that I would hope that Americans will have the benefit of due process, including the advice of counsel. As a former member of the bar myself, maybe that's a professional promotional device, but I think it's a very useful one.

However, in Vietnam there were only 200 lawyers, and it was a little hard to get advice of counsel for every person arrested in Vietnam, under those circumstances. And therefore, a variety of other activities were conducted to try to improve the legal and procedural aspects of the Phoenix Program.

As for the question of how to check on CIA, I think the front benches here of the press do a superlative job of showing us and catching us whenever they can. I think that the various members of Congress and the various staff members, as they travel around, they have a chance to ask our people what's going on. They get a feel of these people. They -- there are a lot of other people who are quite willing to bring to the attention of the public or to the appropriate

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

authorities any wrongdoing by the Agency or any contradiction between what we are duly authorized to do under our constitution and what we are not duly authorized to do.

And therefore, I think that any exceptional effort to use CIA in an improper way will come out, and I have talked to our own employees and I have told them that it is my conviction that if anybody tried to misuse CIA against the American people, that CIA would explode from within and that I would think it a good thing.

SENATOR ABOUREZK: Nancy Stein.

NANCY STEIN: [Inaudible]

RADIO ANNOUNCER: We're not picking up the question of Nancy Stein. Apparently there's an audio failure there.

STEIN: ...consequences of U.S. foreign policy in covert operations. CIA activities have led to the overthrow of governments in Guatemala, Brazil, Bolivia, and now Chile, the details of which you know better than any of us, Mr. Colby. To achieve its goal, the CIA has infiltrated, distorted, and attempted to destroy the political, social and economic lives of the people of the Third World. They've resorted to terror and genocide.

We know that the CIA conducted the training of foreign police in Texas under the auspices of the Office of Public Safety, where they learned to make bombs and conduct terrorist actions against their own people. We know that your Operation Phoenix in Vietnam resulted in, as you said yourself, 20,500 people murdered, and similar programs elsewhere.

But all of these programs won't work, because we're talking here about the struggle of the people for their own independence and self-determination. In Vietnam the people are continuing to defeat the United States military and CIA apparatus. And despite setbacks, the people in Latin America are gaining strength every day. The United States, in fact, has had to resort to the imposition of fascist governments around the world because of the strength of the peoples movement.

I want to read a brief portion of the document written by some organizations in Latin America that I think represent the interests of the majority of the people there, and they're leading a struggle against you and the CIA apparatus that you represent.

"The peoples of the world live under the permanent threat of the most aggressive imperialism that has ever existed.

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

They have not been indifferent to the organized genocide directed by Yankee imperialism against the heroic people of Vietnam. [Unintelligible] war whose flames are still not extinguished, the belligerent and treacherous character of U.S. imperialism has been fully exposed. But in this war, it has once again been shown that in spite of all their military power, their system is weak when confronted by a people prepared to fight and be free at whatever the price.

"The Latin American people, from the last century until today, have suffered a string of military interventions and unjust wars executed and fomented either by the American [unintelligible] or the multinational monopolies. There was the plunder of Mexico, the occupation of Puerto Rico, the intervention in the Dominican Republic, the Bay of Pigs, and many other acts that our America does not forget and will never forgive.

"There are Shell, Esso, and Standard Oil, United Fruit and ITT, the money of Mr. Rockefeller and Mr. Ford, and there is the CIA with [unintelligible], Mittrione, Syracuse (?), and now you, Mr. Colby, have left indelible evidence of the oppressive and overpowering policies of the United States against the popular movement in Latin America.

"There is now the conclusive awakening of our people that is setting into motion millions and millions of people and that is moving toward our true independence, toward the definitive elimination of the unjust capital system and the establishment of our own true revolutionary socialism."

And I just want to say to you, Mr. Colby, that the best answer to all of your policies, the policies of the CIA is going to be the will of the people who are going to win, and that we know that you will suffer eventual defeat.

[Applause]

RADIO ANNOUNCER: Nancy Stein is a member of the North American Congress on Latin America. She's read a brief statement that -- most of which we picked up. She's now drawing some applause. It was not couched in terms of a question.

DIRECTOR COLBY: May I have a point of personal privilege, Mr. Chairman. Miss Stein, you said that I said that 20,000 people were murdered. I did not. You justified, apparently, the murder of Mr. Mittrione. I don't see how you can. You said that the CIA conducts genocide. It does not. You said that you hoped that the people would win. I agree with you, because I think the foundation of our country is in its people, and I think the people of this United States deserve to have their freedom protected.

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Thank you.

MAN IN AUDIENCE: What about the people of Chile?

SENATOR ABOUREZK: Before going to Mort Halperin, who's next, I want to follow up...

RADIO ANNOUNCER: This is again Senator Abourezk.

SENATOR ABOUREZK: ...with one question.

Is there anything that the CIA has done overseas that you would not do in the United States?

DIRECTOR COLBY: Mr. Chairman, of course. We are engaged every day overseas in trying to learn, through secret, clandestine operations, matters which are kept secret and are illegal in the closed societies and countries that we work in and in some of the other countries that we share this world with. There are a lot of illegal things, according to our standards, done overseas, and I think this is a natural aspect of the fact that we live in a world of sovereign nations, each one of which must protect its own security.

SENATOR ABOUREZK: I wonder if you'd answer the question. What things would you do overseas -- what things would you do here that you would do overseas, and vice versa? What...

DIRECTOR COLBY: Well, over -- in the United States we do a lot of things which are perfectly proper and legal. We have a large number of employees out at Langley who do research, who study, who learn what's going on in the world and try to make the best assessment they can out of it. We have engineers...

SENATOR ABOUREZK: Excuse me. In the context of what we're talking about -- illegal activities -- what activies in the covert operation do you engage in overseas that you would approve of in this United States? That's a better way to phrase the question.

DIRECTOR COLBY: I believe I've said that -- in my prepared statement -- that the Uni -- that CIA must do those things that are lawful in the United States. I did not say that we had any authority to commit crimes in the United States, and I deny that we do have any such authority, and we have given very strict directions to our people that they will not.

SENATOR ABOUREZK: But you do undertake activities overseas that would be crimes in this country.

DIRECTOR COLBY: Of course. Espionage is a crime in this country.

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

SENATOR ABOUREZK: Other than espionage.

DIRECTOR COLBY: Of course.

SENATOR ABOUREZK: Mort Halperin.

MORTON HALPERIN: Mr. Colby, I was encouraged by your statement that you now think that it's a legitimate question whether we should, given our current perception of our interests, engage in any covert operations, and then your additional statement that you did not think that abolishing such operations, if I understood you correctly, would have a major impact either on current activities or on the current security of the United States. And I wonder whether we can assume that that statement was made with, among other things, the current situation in Greece in mind. Specifically, if, as appears to be the case, Greece may well be getting a government which decides to withdraw from NATO and eliminate American bases, would your statement still hold, that an elimination of covert actions would not affect the current security of the United States? Do you believe that American security interests require or justify American covert intervention to prevent a Greek withdrawal from NATO? And has the CIA proposed to the 40 Committee, or do you expect that it would propose to the 40 Committee, operations designed to prevent a Greek government from coming to power which would seek to withdraw from NATO and close American bases?

DIRECTOR COLBY: As I said in my statement, I do not think that the -- that covert action -- the elimination of covert action would have a major effect on our current activities, because it's such a small portion of our total activities.

Secondly, I did not think it would have an immediate adverse impact on the security of the United States. That is a different question than whether any particular situation might be in the net interest of the United States. On that, I really do not think it very useful for me to discuss in this forum whether any particular proposal should be made or should not be made about an individual covert action. I think that exactly falls within the category of those things that I believe, if we are to conduct covert action, should be conducted within those very restricted circles in the Executive and reported to those very restricted circles in the Legislature, which can enable them to be done and still be kept secret.

HALPERIN: Could I just follow that up with one point?

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Did I understand you correctly to say that while there might be a net advantage for an intervention in Greece, which you were not prepared to discuss, but nevertheless the statement that there would not be any major impact on American security if we did not conduct covert operations would apply to all of the world, including Greece?

DIRECTOR COLBY: Well, I'm thinking, Mr. Halperin, of the fact that the current status of the world is such that it does not look that we are on the brink of any seriou damage to our country at the moment. The Capitol I think will still stand whether any particular covert action takes place or not at this time.

SENATOR ABOUREZK: Mark Raskin.

MARK RASKIN: ...[inaudbile]...several questions, Mr. Colby. I was puzzled by some conceptual questions. One was what you thought a threat was. Whose interests were really being served, in you view, and how you defined them. And along those lines, in the last generation, as you know, the Rockefeller family -- Nelson Rockefeller -- has been very much involved in different forms of intelligence activities in the United States. Is it going to be the case that the Central Intelligence Agency, under your direction, will continue to be involved or use various of the Rockefeller-owned corporations abroad either as covers or be involved with them in any sort of way? And, indeed, how do you intend -- how does the Agency intend to deal with the question of conflict of interest, and will that be made public to Congress and the American people?

DIRECTOR COLBY: Well, if Mr. Rockefeller is confirmed as the Vice President of the United States, CIA will respond to him as the Vice President of the United States. Whatever the authority that suggests something to us, we are restricted by our legal authorities in what we can do, and we are not given any privilege to engage in conflict of interest with anybody. And I did indicate in my confirmation hearings, and I believe I'm still bound by it, that if anybody asks me to do something which is improper and outside the proper lines of authority of my responsibilities, I'm quite prepared to resign and leave it.

RASKIN: Does that mean, then, that the Central Intelligence Agency will not use various of the corporations, of the Rockefeller corporations as covers around the world?

DIRECTOR COLBY: I don't believe that's a useful subject to discuss, Mr. Raskin...

[Laughter and shouts from audience]

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

DIRECTOR COLBY: ...because I get back to my responsibility not to talk about the operational details of my agency.

RASKIN: Let me just add one more question to that, then. Did the Central Intelligence Agency use ITT as a cover in Chile?

DIRECTOR COLBY: Again I would say I do not propose to discuss the details of our operations. I do not want to get in a situation where I say no, no, no to a series of questions and then have to say no comment, because the answer is pretty obvious at that point. And I think it much more useful if I just say no to the whole run of such questions.

SENATOR ABOUREZK: Daniel Ellsberg.

[Applause]

DANIEL ELLSBERG: I have two brief questions that do not relate to your operations, Mr. Colby, and then, if I may, a comment.

The first question: Am I correct that you have testified publicly that Central Intelligence Agency did have information about the imminent overthrow of constitutional government in Chile which the U.S. Government failed to pass on to the constituted government of Chile?

DIRECTOR COLBY: I doubt that I testified to that publicly.

ELLSBERG: Would that be correct?

DIRECTOR COLBY: What leaked, I'm not quite sure right now. It's hard to keep up with them.

ELLSBERG: Would you tell us that now, if that's the case, sir?

DIRECTOR COLBY: What I will tell you is that -- since so much has leaked, I don't have much problem saying it -- we had a general appreciation of a deterioration of the economy and political situation in Chile, running throughout 1973. The situation was getting worse and worse in a variety of ways -- politically, economically, socially, and all the rest -- and that at varying times during that year, we had information which indicated that a coup might take place.

One did take place, as you remember, in about the end of June, I think it was, which was an abortive effort and which was put down right away. We had a series of other reports indicating various steps toward such a coup. We were not involved with the people who were leading of those

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

efforts, but we did have information about them.

ELLSBERG: And did you pass that information, sir, to the elected government of Chile, that constitutional government might be about to be destroyed by the methods that you had information on?

DIRECTOR COLBY: It's my responsibility to report such information to the authorities of my country.

ELLSBERG: Was it passed on, to your knowledge?

DIRECTOR COLBY: It is a political action whether to pass that on to another country or not. That is a policy decision for the policy leaders of our country.

ELLSBERG: To your knowledge, was that policy decision made? Was it passed on?

DIRECTOR COLBY: I do not think so, but I cannot say for sure.

ELLSBERG: My other question, sir, is -- this should rely on open information in your capacity as Director of Intelligence, I'm sure: What is your best estimate of the number of people who have been killed by the present regime, which replaced constitutional government, over the last year, your estimate of the number that have been imprisoned, and of the number that have been tortured in that period?

DIRECTOR COLBY: I would rather not use exact numbers because I'm not that sure of it. But our estimate at the time was that in the fighting that took place at the time of the coup, there was somewhere between three and five thousand people killed. It is also our impression that there were very few what you might call executions, very few. There were some. I admit that. It is not my responsibility, but that's a fact that happened. It's the military government that brought it about. How many, I cannot tell you for sure.

As for the number tortured, I have no idea.

ELLSBERG: No idea.

DIRECTOR COLBY: I do not have an idea of a number that were tortured.

ELLSBERG: Have you read estimates? For example, by Amnesty International?

DIRECTOR COLBY: I have read various papers on this subject.

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

ELLSBERG: But your agency has not given you an estimate, an official estimate...

DIRECTOR COLBY: There may well be one. I just can't recall it right here at this moment.

ELLSBERG: Finally, on this train, have you asked for such an estimate?

DIRECTOR COLBY: I did. I asked for estimates about the other two matters. I have not asked for that particularly. I don't ask for a lot of questions that come up in our intelligence business. We have a rather large and efficient group of analysts who serve up the answers to the obvious questions around the world. They may well have made an estimate that I'm not familiar with right here as I sit.

ELLSBERG: I'm sorry, sir, that this was not regarded as an obvious question in the government.

If I can make my comment. First, referring directly to your remarks, in the light of this last information, we now know at least some of the people around the world who put faith in the secrecy of our government and whose survival politically in their own countries depends on it. They are the present leaders of Chile, and they are not alone. That follows immediately from both of your answers.

I do not take satisfaction in that particular result of our secrecy.

If we went around the world to find the other leaders, mainly of closed societies, who rely on that kind of secrecy, I don't think there would be much satisfaction anywhere, but perhaps that does relate again to your remark that you regard the leak of that information to the American people, the revelation of Representative Harrington's extremely responsible letter, which was initially confidential, you regard that as unfortunate. I hope you are the only person in the room who sincerely believes that. Certainly, I regard it not only as a fortunate and essential piece of information; I personally have never seen a report and none was ever presented in my trial, interestingly, or any of the other trials of a single leak in the past 20 years that did in fact injure the interests of the people of the United States. I know of none that - a violation of this secrecy -- that's come to the American people that was not either neutral or beneficial to the constitutional government in this country. And attempts to describe leaks, such as perhaps leaked by Henry Kissinger on SALT or whatever, as terribly serious are simple cover stories. But that's a matter of opinion. You may know counter-examples.

I happen to have been very influenced in my life by an intelligence success of CIA, for which I'm happy to give you credit. That's not hard to do on the intelligence

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

side. You paper tries to direct attention, very understandably, to the intelligence side of CIA, but if you'd followed the accounts here you would not have heard a critical conference in this conference on the intelligence side, although, obviously, critical comments could be made.

There are many secret, closed societies in the world, and I don't think that secret -- I can't think of a case where the secrecy, in most people's opinion, serves the interests of the people of those countries or ours. This conference has not yet produced criticism of attempts to penetrate the secrecy of those countries.

One was very spectacular, the Khrushchev secret speech in 1956 which, since it was to the credit of CIA, they did herald and let it be known that the CIA had played a role in the acquisition and publishing of that speech -- I think very beneficial in its effects.

There came a time in my life when my wife asked me what I hoped to achieve by leaking, by revealing information to the citizens of this country. She happened to believe throughout that I was exposing myself to possible attempts to kill me by members of the government, or attempts to beat me up, which she didn't want to see.

I thought those were not dangers. From my experience in the government with gentlemen like yourself, I did not in fact believe that was the way we operated. Parenthetically, she was correct. The nine or so people who came to beat me up on the steps of the Capitol in this city on May 3rd -- April 3rd, 1972, who failed, because they were the same people who had been sent to the Bay of Pigs. They didn't beat me up. But the ones who were sent to beat me up were in every case former, experienced contract employees of the Central Intelligence Agency, paid for by campaign funds. One of them, Mr. Martinez, as you know, sir, was on [at] that time a $100-a-month retainer from the CIA, which he remained on until he was later caught in the Watergate a month later, being paid from the same funds.

So, she wasn't wrong. A judgment of competence is another thing, but intent, she was correct.

However, my answer to her as to why it -- she said, "What is the most you hope to achieve by doing this in the face of these risks?"

And I said, "Well, in my own mind I hope, over a long period of time, that this might have a variety of effects in our society, comparable to the release of the Khrushchev secret speech about Stalin's crimes had on various Communist Parties around the world after 1956."

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Mr. Colby has told us -- you have told us, sir -- that you to this day find it a strange anomaly that we need a Central Intelligence Agency, and its intelligence side, primarily, to get things like the Stalin speech -- the Khrushchev speech in Russia, whereas most presidential speeches in this country are free, and indeed, where the Pentagon Papers could be acquired for 10 cents a day.

I think that is extremely ominous that you find that a strange anomaly. You've told us you understand your oath to uphold the Constitution. You have also told us, by that statement, you have no conception of the Constitution which you've sworn to uphold. The fact is that the governmental secrecy which threatens the continuation of American democratic institutions, this survival of this country, is not Russia and not Chile. It is the secrecy of the United States Government, of which you are a part.

[Applause]

ELLSBERG: The law -- I'm going to comment on a very specific proposal that you are currently making -- the law to which you allude, which you have currently drafted and proposing, very reasonably, it would appear, is designed to reduce that anomalous difference between our society and the government of the Soviet Union, which I deplore and will resist.

You mentioned, is it not reasonable that officials who have signed an oath of secrecy, as you have, as I did, as others here have, should be punished when they violate that oath? I look back on those papers that I and you have signed, and recall -- and I did this a while ago -- I recall that there was nothing in them that said explicitly, "You will keep secret any information you receive, no matter what evidence it provides of illegality, criminality, aggressive war, violation of the Constitution. Under no circumstances will you reveal it, even to courts or even to Congress, under penalty of firing."

If that was implicit -- and I think your law would make that legal. Your law would establish...

DIRECTOR COLBY: No, it would not.

ELLSBERG: Well, it would establish a statute for classification under circumstances -- or, let me put it to you. May I suggest drafting for your law? That any such agreement, even referring to contractual things such as Mr. Marchetti entered into, should alert every citizen of this country that he is in no way being called on to conceal illegality or criminal activity.

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Certainly, officials do not understand that now, which is why, to my knowledge, no member of your agency under your control provided information to any law authority of the illegal activity in which your agency and its officials was going along with. And I'm sure that in doing that they felt that they had no right to do so, as contracts, that they must keep secret these illegalities and crimes.

Any future agreement on secrecy of any sort, even contractual, providing for firing if you break it -- and I certainly could have been fired. There was no question of that -- should make it clear in the future that it does not protect illegality. You may find it possible to reflect that in your drafting.

But a final point, a long one, I'm afraid. Since your law -- your law -- [unintelligible] put it positively -- your law would make illegal what I did. Your law would make it illegal what Mr. Marchetti did and what a number of other people here have done. The question is do we want that or not? What would the effects be?

It would make us more like countries like Russia. There are also other countries in the world, even like England, that have such requirements, the country for which we fought a revolution to get away from that sort of law. We have a First Amendment; England does not, and certainly Russia does not.

The effect of your -- since we don't have such a law, there was in fact no way to get a conviction of me in a court of law, as government lawyers understood. Therefore, they set out, in their words, to destroy me in public and to try me in public.

Now those words were said not by -- not to retired employees of CIA. They were said to the then active officials of CIA. As part of the effort to get me, before Mr. Hunt was hired by the Plumbers, a request was made by Mr. Young, citing the authority of Ehrlichman and Kissinger, to do a psychological profile by CIA. The request was made to Mr. Helms, then head of CIA, while you, I think, were head of operations, if I'm correct -- made directly to Helms. Helms agreed to do this. And I'm quoting now from a document which I read just for the first time three days ago, which I find extremely enlightening -- Senator Baker's Minority Report to the Watergate Committee. This is the Bantam edition of the Watergate Report with the addendum of Mr. Baker's report, and I want to quote a couple of paragraphs from that.

He has a list of further investigations in this, and I wish to propose precisely that those investigations be carried on, with your cooperation, Mr. Colby, under subpoena

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

and with contempt proceedings, if without your cooperation.

"Mr. Helms then, not a retired employee, agreed to this, but said that it was extremely important that CIA involvement not be told. A profile was provided."

I'm going to make this factual thing brief. I'm going to ask for about three or four minutes here.

"The profile was provided and did not do the job. It was regarded by Mr. Young as unsatisfactory. It had the words, 'Mr. Ellsberg operated out of patriotic motives,' and it did not serve the purposes, and another meeting was sent back to CIA [sic].

"As many people know, later, the retired employee, Mr. Hunt, went into Dr. Fielding's office" -- my former psychiatrist -- "with the help of a great deal of CIA material provided him and with several operatives, one of whom was on the current payroll of CIA, Mr. Martinez, currently reporting to his case officer. We are told by CIA officials that he did not tell his case officer what he was doing, but the actual transcripts of those conversations have been refused by CIA to Senator Baker."

Frankly, I had accepted the statements by Mr. Helms and Cushman that they did not know what the retired employee was doing with that equipment. Senator Baker's report shows a very strong conflict between their testimony and the documents an sworn testimony of other CIA officials. Someone has committed perjury. It is not clear why no perjury indictment has come out or why none is -- no CIA person is currently in the current cover-up trial under process. But the paragraph I wish to quote is this. Until I read this paragraph on Sunday, I answered people who asked me, "Did Helms, Cushman and CIA know what Hunt was doing with their cooperation?" I said, "No, there is no indication that they knew who Dr. Fielding was, although they had photographs with Fielding's name on them, but they didn't make that connection," as far as I knew, and I'd read that testimony. Then I read this:

"The testimony -- the film was developed for Hunt in CIA. It was of Fielding's office. It was reviewed not only" -- this is new to me -- "Not only was the film developed, but it was reviewed by CIA supervisory officials before it was returned to Hunt. One CIA official" -- it seems to be head of -- Deputy Chief of the Technical Services Division -- "who reviewed the film admitted that he found the photographs intriguing and recognized them to be of Southern California." Palm trees in them. "He then ordered one of the Photographs to be blown up. The blow-up revealed Dr. Fielding's name in the parking lot next to his office.

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

"Another CIA official" -- the head of Technical Services -- "testified he speculated they were casing photographs. This was on August 27th.

"Recent testimony has shown the CIA official who reviewed these photographs immediately their content to Cushman and his assistant in the Office of the Deputy Director of CIA."

Again, as I said -- I have one more quote here. Again, as I said, I would have still said that CIA did not know who the Fielding was in that photograph that they were providing for Hunt, until I read this paragraph on Sunday.

SENATOR ABOUREZK: Dan, excuse me.

ELLSBERG: I'm sorry. I have one more paragraph, Senator, if I can.

SENATOR ABOUREZK: All right. But I wonder if you could make your point, because we want to get to the audience yet and allow them -- we have several more panelists who want to ask questions, and the audience has indicated a desire to do so.

ELLSBERG: I shall, sir. The point is here.

SENATOR ABOUREZK: Thank you.

ELLSBERG: "There was a meeting on August 12th" -- this is one paragraph -- "1971" -- it is Page 751 of this book -- "in which both Howard Hunt and Gordon Liddy participated. They told the CIA psychiatrist that Ellsberg had been undergoing psychiatric analysis. Hunt and Liddy discussed their desire to, quote, try Ellsberg in public, end quote, render him, quote, the object of pity as a broken man, end quote, and be able to refer to Ellsberg's, quote, Oedipal complex. The CIA psychiatrist was given the name of Dr. Fielding as Ellsberg's psychiatrist." That's jumping ahead.

"At the close of the meeting" -- let's see -- "The psychiatrist has testified that he was extremely concerned about Hunt's presence and remarks. He so reported this to his CIA superiors, both in memoranda and in a meeting on August 20th, 1971, prior to the casing operation. He got the world back from Helms and Cushman that they had learned of his concern and were aware."

I think it can only be inferred from this, Mr. Colby, that whether or not Mr. Helms and Mr. Cushman knew of the uses of those materials from the moment they handed it over, from the moment of the casing operation, and before it, they knew that, in the words of Howard Osborne of your agency, a man who was a U.S. citizen and who was currently

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

under indictment, thus violating both your statute and the laws of the United States otherwise, had been subject at least to a casing operation using your equipment, which you did not take back, and was probably about to be broken into for reasons which your agency knew very well, because it was to provide data for a defaming effort in which your agency was providing the full effort. Mr. Hunt was merely a liaison from the White House.

Your statement in this paper summarizing those events with the statement, the fact that a retired CIA employee becomes involved in some illegal activity in the United States should no more eliminate a function, etcetera, is a deliberately deceptive statement for which your presence here today, I suppose, is -- in part, that is the purpose of it, to continue that cover story. At least, that is the effect of your statement.

The clear implication, legislative, that follows from that is that the Watergate investigation is not over, despite efforts by the current President to continue it. The proposals in this document for the continuation of investigation of CIA involvement by Watergate Committee and other committees, which are very precise, is -- should follow immediately. Obviously that is not because of the damage done to one citizen, and I was not indeed damage. The attempts to make me a broken man, as you can see, like the Bay of Pigs and like the attempt on the steps of the Capitol.

However, and indeed, it would be obscene to regard as criminal only a break-in to an American citizen's office and take no criminal action against the break-in by bombardment of an enemy country -- of a neutral country (Cambodia) with 100,000 tons of bombs. But for a very practical step, we can start with your cooperation in this matter, since as I see here on Page 751, "The CIA psychiatrist so reported this to his CIA superiors, both in memoranda and a meeting on August 20th, 1971. Access to the memoranda of both the psychiatrist and his superiors has been refused to this committee," the Watergate Committee.

Footnote 31: "See also Colby letter refusing access."

I believe, sir, that you have a lot to answer for, not very much to me, very little. But if what the Central Intelligence Agency officially was involved in, knowlingly after a certain point, can result in investigations and prosecutions which will enlighten the American public and reduce the difference between this society -- or, preserve the difference that you find so anomalous between this society and the ones you operate against abroad, I'll be very happy to be party to that.

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Thank you.

DIRECTOR COLBY: Mr. Ellsberg, I pointed that anomaly out as a fact. I also stated that...

ELLSBERG: You described it as an anomaly. That was what I was drawing attention to.

DIRECTOR COLBY: As a fact of life. It is an anomaly that the world can have secrets of those who can destroy us, and that it is necessary for us to penetrate those secrets to protect ourselves.

I do think that the existence of this anomaly does not -- in no way will I permit it to be used as an accusation that I do not support this Constitution, nor that I do not understand it. I think I understand it and I think I understand my loyalty to it as well as you.

ELLSBERG: We disagree, sir. We have a different understanding of it. That is very clear.

DIRECTOR COLBY: Fine. I am prepared...

SENATOR ABOUREZK: Mr. -- do you want to respond further?

DIRECTOR COLBY: I have some more.

With respect to Senator Baker's investigation, as the letter I wrote to him, which was distributed later, indicated, the Agency did its best to cooperate with that investigation. We had 24 of our Agency witnesses testified on a voluntary basis and answered questions under oath. We provided 700 CIA documents and 2000 pages of testimony.

I am prepared, at any time, to go further with that investigation if the Senate decides that it wishes to do so.

RASKIN: Why did you destroy the tapes?

DIRECTOR COLBY: I did not destroy any tapes.

RASKIN: Who did?

DIRECTOR COLBY: The tapes were destroyed as a part of a periodic process going back to 1970, and they were finally destroyed in 1972. When Mr. Helms...

RADIO ANNOUNCER: The question was asked by Mr. Raskin.

DIRECTOR COLBY: ...he destroyed the rest of them.

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

They were used as...

ELLSBERG: The falsity of that statement, sir, is revealed in this statement, but I wish to point out one more sentence including your name in Mr. Baker's -- Senator Baker's report.

DIRECTOR COLBY: May I answer the other questions you raised, Mr. Ellsberg?

ELLSBERG: I'm sorry. Yes.

DIRECTOR COLBY: You referred to the presence of ex-CIA contract employees and so forth in the various kinds of incidents that have come up over the Watergate.

ELLSBERG: Pardon me. A current one, sir. Mr. Martinez.

DIRECTOR COLBY: Let me finish my phrase, if I may, Mr. Ellsberg.

And the presence of one individual, Mr. Martinez, who had worked for us on a fulltime basis for a long time during the '60s, and in 1967 we terminated that relationship and established a retainer relationship of $100 a month with Mr. Martinez so that he could continue to report on certain things in the Miami area among the Cuban exiles there. Mr. Martinez obviously did not live on $100 a month, nor did we expect him to. We expected him to do other things, and he apparently did so, and some of them were bad.

[Laughter]

DIRECTOR COLBY: And apparently some of them were bad.

[Shouts from the audience]

DIRECTOR COLBY: With respect to the CIA's knowledge of the events surrounding the break-in to Dr. Fielding's office, it is true that some of our equipment was used in that regard, and it is true that we had some photographs of that office. But because of the way it was handled -- and one can criticize this now. It's easy in hindsight -- the fact is that the various individual pieces of information were put in different compartments in the Agency, and they were not put together until, I believe it was sometime in January or so, January or February, when Dr. Fielding's name came out as your psychiatrist and the break-in and all the rest of it, and then the whole thing was put together at that stage. And when it was put together, we reported it, what we had -- we had already offered to provide all that

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

information to the appropriate authorities prior to that time.

With respect to the question you raised about the law I recommended, I would like to point out that that law would not apply to you, Dr. Ellsberg, because that law says that it applies only to information relating to intelligence sources and methods. It does not apply broadly to classified material, which is what you were accused of leaking.

ELLSBERG: Are you aware that officials of the U.S. Government used the word "intelligence," intelligence sources and materials" repeatedly during my trial?

DIRECTOR COLBY: I am aware of that, and I say that this law is carefully designed so that it will not apply to a third party, but only to those of us who take the obligation to retain a secret of some importance to our country; and secondly, that it is -- before any prosecution or injunction can be obtained, that we -- the government must go before a judge and justify that that classification is reasonable.

Now, I contest that any judge would issue such an authorization -- an injunction or go on with a prosecution if the matter leaked were the fact of a crime, the fact of some illegality. And it is precisely for that reason that that particular provision is written into the law, because I agree with you that there are a lot of things that really I would not send people to jail for just because they have a stamp on them. But I do think that there are some secrets, some good secrets, as I said in my statement, that deserve protection in the interests of our country.

ELLSBERG: Sir, the purpose of that -- I think there has to be, as I say, one more sentence quoted from this report with your name in it to test the honesty with which you are reporting at this date in our history the involvement of your agency in this affair.

Senator Baker says: "Our investigation in this area also produced the fact that, contrary to previous CIA assertions, the CIA conducted a vigorous in-house investigation of the Watergate matter, starting almost immediately after the break-in (Executive session testimony of personnel security officer number one).

"As one member of the security research staff stated, they were in a state of panic. In November and December of 1972 the Executive Officer to the Director of Security was...."

[Interruption]

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

ELLSBERG: "...copies of his findings and to make records." An interesting footnote to your assertion of all the documents that CIA turned over. "He did his own typing...

DIRECTOR COLBY: I did not give that instruction.

ELLSBERG: Pardon me?

DIRECTOR COLBY: I did not give that instruction.

ELLSBERG: "He did his own typing and utilized no secretaries." This is the executive session testimony of the Executive Officer to the Director of Security.

Did such a person work in your office for this purpose, sir?

DIRECTOR COLBY: There was a security officer assigned to help me to gather together the information about this incident, and he's the gentleman you're referring...

ELLSBERG: And were his findings turned over to Senator Baker or the committee?

DIRECTOR COLBY: The findings and -- the question became -- the question between Senator Baker and myself with respect to additional papers refers to certain papers which we did not make available to Senator Baker but we did make available to our oversight committees, and in line...

ELLSBERG: Not to the Watergate Committee.

DIRECTOR COLBY: ...the line that I have talked to you about earlier today, the difference between matters which get into the details of our legitimate operational activities, and I mean legitimate ones, were not turned over outside our proper oversight committees.

ELLSBERG: A final point relates directly to that.

SENATOR ABOUREZK: Excuse me. I rally have to move on. Dick Barnet is next.

RICHARD BARNET: Mr. Colby, I'd like to ask you a general-principle question. In general, do you see any national security threat that would justify any covert operations at this time in any Third World countries, which I would define roughly as countries -- poor countries in Asia, Africa and Latin America with no conceivable capacity to endager the security of the American people here in the United States? Are there any legitimate covert operations in those areas that you see at this time?

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

DIRECTOR COLBY: There are some, yes. I would not like to go further into detail about it, but there are some, yes.

BARNET: Could I follow up on that...

DIRECTOR COLBY: And I -- by "security of the United States" I do not mean that the Capitol will fall tomorrow as a result. I mean the position of the United States in the world today and in the world ahead.

BARNET: Well, could I ask you to be a little bit more specific about that? What...

DIRECTOR COLBY: I'm really not trying to play games with you. What I'm trying to say here is that there are certain things which today are not an immediate danger to the United States, but if allowed to grow can become a serious problem and a, consequently, a problem to the security of the United States.

BARNET: And you can't -- you cannot give a general example of those threats?

DIRECTOR COLBY: Well, in line with my disinclination, to put it mildly, to talk about our operations, I would rather not to that at this -- in this forum. I do this regularly in the proper forum that I want to -- that I'm authorized to.

BARNET: That you want to. Thank you.

SENATOR ABOUREZK: Mr. Fedderman.

STANLEY FEDDERMAN: I have a question which does not [unintelligible] detail, but does concern a matter of general policy.

RADIO ANNOUNCER: Stanley Fedderman, a professor of law at New York University.

FEDDERMAN: I recall a statement, a phrase, really, by Dean Rusk some years back in which he referred to -- I think it was the nasty struggle of the back alleys of the world. And there was a more explicit statement in the New York Times some years ago when it quoted what was referred to as one of the best-informed men on the subject in Washington -- I don't know who it was -- as stating that when we catch one of them, meaning a Soviet or other foreign agent, it becomes necessary to get everything out of him, and we do it with no holds barred.

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7

Now, I'd like to ask you, in the light of those statements, if you can conceive of or know of any situation in which torture is justified, also, if you were aware that torture was being practiced in the Phoenix Program....

RADIO ANNOUNCER: Due to prior programming commitments, we're going to have to leave this examination by the Center for National Security Studies....

Declassified in Part - Sanitized Copy Approved for Release 2012/05/23 : CIA-RDP99-00418R000100110021-7